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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
6

7 SUZANNE DUYEN KWONG,

8 Plaintiff,

9 v.

10 SANTA CLARA COUNTY SHERIFF'S
11 OFFICE, et al.,

12 Defendants.

Case No. [17-cv-02127-BLF](#)

**ORDER DENYING MOTION FOR
EMERGENCY LEAVE TO OBTAIN
ATTORNEY REPRESENTATION OR
PER AMICI CURIAE
REPRESENTATION**

[Re: ECF 19]

13 On May 5, 2017, Plaintiff Suzanne Duyen Kwong filed a motion for emergency leave to
14 obtain attorney representation or per amici curiae representation. Mot., ECF 19. Kwong claims
15 that due to her “legal disability,” she is unable to represent herself adequately, and is “in fear of
16 being pulled out of her home unlawfully.” *Id.* at 1–2.

17 To the extent that Kwong is seeking a stay of this action while she locates an attorney, the
18 request is DENIED. Granting a motion to stay is within the sound discretion of the Court.” *Fuller*
19 *v. Amerigas Propane, Inc.*, No. 09-2493, 2009 WL 2390358, at *1 (N.D. Cal. Aug. 3, 2009). The
20 power to stay is “incidental to the power inherent in every court to control the disposition of the
21 causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Id.*
22 (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (quoting *Landis v.*
23 *N. Am. Co.*, 299 U.S. 248, 254 (1936) (internal quotation marks omitted)). Here, Kwong has
24 asserted no reason for a stay beyond the fact she is proceeding pro se and would like to retain
25 counsel to represent her. Were the Court to adopt a lack of counsel as a reason to grant a stay, the
26 Court would be unable to move forward cases in which a party is representing herself pro se
27 forward. Accordingly, the Court DENIES Kwong’s motion for a stay. If Kwong is able to retain
28 an attorney, pro bono or otherwise, that attorney may appear in this action.

To the extent that Kwong is asking the Court to appoint counsel to represent her, that request is also DENIED. A district court may exercise its discretion to secure counsel for an indigent civil litigant under 28 U.S.C. § 1915(d) only under “exceptional circumstances,” so grants of such a motion are relatively rare. *United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cty., State of Wash.*, 795 F.2d 796, 799–800 (9th Cir. 1986) (citing *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir.1980)). Although Kwong claims that she needs legal representation because this is a “serious and complicated matter” and she is not an attorney, these are the difficulties that any litigant would have in proceeding pro se. As such, they do not indicate exceptional factors. *See Wood v. Housewright*, 900 F.2d 1332, 1335–36 (9th Cir. 1990) (finding that factors normally encountered by pro se litigants do not constitute exceptional circumstances).

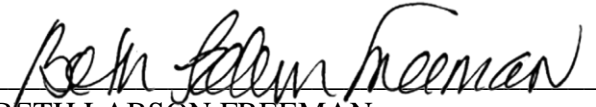
The Court notes that Plaintiff may wish to contact the Federal Pro Se Program, a free program that offers limited legal services and advice to parties who are representing themselves. The Federal Pro Se Program has offices in two locations, listed below. Help is provided by appointment and on a drop-in basis. Parties may make appointments by calling the program’s staff attorney, Mr. Kevin Knestrick, at 408-297-1480. Additional information regarding the Federal Pro Se Program is available at <http://cand.uscourts.gov/helpcentersj>.

Federal Pro Se Program
United States Courthouse
280 South 1st Street
2nd Floor, Room 2070
San Jose, CA 95113
Monday to Thursday 1:00 pm – 4:00 pm
Fridays by appointment only

Federal Pro Se Program
The Law Foundation of Silicon Valley
152 North 3rd Street
3rd Floor
San Jose, CA 95112
Monday to Thursday 9:00 am – 12:00 pm
Fridays by appointment only

IT IS SO ORDERED.

Dated: May 5, 2017


BETH LABSON FREEMAN
United States District Judge